

Complete Diversity of Citizenship Exists Between the Parties

5. In his Complaint, Plaintiff alleged that he is a resident of the City of South Holland, Illinois. (See Exhibit A). Plaintiff also identified Lowe's Corporate Office as being in Mooresville, North Carolina. (See Exhibit A)

6. The only defendant, Lowe's, is a limited liability company with a principal place of business in North Carolina that has only one member, Lowe's Companies, Inc. Lowe's Companies, Inc. is incorporated in North Carolina and its principal place of business is in North Carolina. [Declaration of Grace Ridley ("Ridley Decl.," attached hereto as Exhibit B), ¶¶ 3-5]. "For purposes of diversity jurisdiction, a limited liability corporation is a citizen of every state where its members are citizens." See *Crawford Supply Group, Inc. v. LaSalle Bank, N.A.*, 2010 WL 320299, *1 at n.1 (N.D. Ill., Jan. 21, 2010) (citing *Belleville Catering Co. v. Champaign Market Place, LLC*, 350 F.3d. 691, 692 (7th Cir. 2003)). Accordingly, for purposes of 28 U.S.C. § 1332(c)(1), Lowe's is a citizen of the State of North Carolina, and Lowe's is **not** an Illinois citizen.

7. As a result, this case involves "citizens of different States." See 28 U.S.C. § 1441(b).

The Amount-In-Controversy Requirement is Satisfied

8. Lowe's, in good faith, alleges that the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

9. In his Complaint, Plaintiff pleads/claims damages in the amount of \$85,000.00. (See Exhibit A (listing "Amount Claimed" in caption)). Plaintiff's Complaint makes clear that he is seeking a sum in excess of \$75,000, making this case appropriate for removal.

10. Because Lowe's, in good faith, has shown that the amount in controversy exceeds the sum of \$75,000, this Court has diversity jurisdiction over Plaintiff's Complaint under 29 U.S.C. § 1332(a), and removal is authorized by 28 U.S. C. §§ 1441 and 1446.

The Other Prerequisites for Removal Have Been Satisfied

11. In addition to satisfying the requirements of diversity jurisdiction, Lowe's has satisfied all other requirements for removal.

12. Lowe's was served with Plaintiff's Complaint in this action on July 26, 2021. Accordingly, this Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b).

13. The Circuit Court of Cook County is located within the Northern District of Illinois, Eastern Division. *See* 28 U.S.C. §§ 93, 1441(a).

14. Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings and orders served upon Lowe's, which include the Complaint, are attached collectively as Exhibit A.

15. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being served upon Plaintiff (who is *pro se*) and a copy is being contemporaneously filed with the Clerk of the Circuit Court of Cook County, Illinois.

WHEREFORE, Defendant Lowe's Home Centers, LLC hereby removes the above-described action now pending in the Circuit Court of Cook County, Illinois to the United States District Court for the Northern District of Illinois, Eastern Division.

Date: August 25, 2021

Respectfully submitted,

/s/ Peter J. Wozniak
One of Defendant's Attorneys

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing has been filed this 25th day of August, 2021. A copy of this filing has been sent to the following Party via Email and U.S.

Mail:

Plaintiff:
James I. Diggs
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/s/ Peter J. Wozniak